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April 14, 2015

Via Overnight Mail
Via Email Transmission
and Fax - (617) 918-0534

Mr. David Pincumbe
(and Ms. Susan Murphy)
U.S. Environmental Protection Agency
5 Post Office Squire, Suite 100 (OEP06-1)
Boston, MA 02109

Re: City of Brockton / NPDES Permit No. MA0101010

Dear Mr. Pincumbe:

Please be advised that this office represents the interests of Edward Medairos and Beacon Park Realty Trust, which owns and operates a manufactured housing community located in West Bridgewater, immediately adjacent to the waste treatment facility in Brockton, to which the above-referenced permit relates (the "Facility").

We understand that the comment period for this matter is April 15, 2015 and we are responding by way of providing a comment. At the outset, it is imperative that you and the Environmental Protection Agency ("EPA") understand that there are significant, excessive flows of potentially untreated materials going to the Salisbury Plain River. Litigation is ongoing with respect to flows that have adversely affected my client (see *Medairos v. City of Brockton, et al*, Plymouth Superior Court, Civil Action No. PLCV2010-00505-A); my client's allegations that the City of Brockton has been exceeding its eighteen million gallons per day ("18 mgd") for years despite being under an ACO, which by its own terms expired in January of 2013.

Attached hereto and made a part hereof is a graph and data that we synopsisized from the Massachusetts Department of Environmental Protection's ("MA DEP") records with respect to the flows associated with the Facility. My client undertook an investigation to determine flows given that he was required to build a nearly 2,000 foot berm on his property to keep the flows

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from reaching his manufactured housing residents' homes. The synopsis and attached graph clearly indicate that the excess flows were in the hundreds of millions of gallons, which was we believe polluted effluent, marginally, barely and sometimes as we have alleged, hardly treated and which went directly into the Salisbury Plain River. It is important to understand that the Salisbury Plain River is contiguous with my client's property and maybe twenty (20) feet wide, at its widest point. The outflow from the Facility is not a pipe, but a one hundred foot sluice swale that is constantly generating flows into the river and consequently into and onto my client's property.

Our understanding is that the revision to the permit would allow the Facility to increase its flows by 2.5 million gallons per day. That scares my client and should be of great concern to not only the MA DEP but the EPA and the residents of my client's manufactured housing community and everyone adjacent to the Salisbury Plain River for the potential of increased pollution, odors and health and safety issues from expanded flows. It is our impression that the Facility cannot handle the flows appropriately that it is currently permitted to do, let alone an increased flow that would come from a revision to the NPDES permit.

All of this amounts to a grave concern on my client's part that the health, welfare and safety of his residents is presently being adversely affected and could be further jeopardized by increased flows emanating from the Facility per the request for the permit.

We strongly urge you to visit the site and communicate with the abutters, including but not limited to, my client. Mr. Medairos has been involved in matters associated with the Facility for years and he is a wealth of information relating to the concerns and the flows that have emanated from the Facility. We understand that it is a public facility, but we also understand that public facilities, notwithstanding that their governmental agencies, cannot and should not, be allowed to pollute the community and adversely affect residents living adjacent to it.

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If you should have any questions or concerns regarding the within communication, please do not hesitate to contact me. Thank you for your time and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Kraus', with a large, stylized initial 'R'.

Robert Kraus

RK/kl
cc: Client
Claire Golden, MA DEP

18 Different Periods of Daily Overages from 2000 - 2013
(By Millions of Gallons) - Data Supplied by MA DEP

25 Feb - 04 Mar	16 Mar - 03 Apr	14 Dec - 02 Jan	30 Mar - 08 Apr	01 Apr - 09 Apr	15 Oct - 03 Nov	04 June - 18 June	15 Apr - 04 May	12 Dec - 31 Dec	10 Mar - 27 Mar	18 Mar - 03 Apr	25 Feb - 18 Mar	19 May - 04 June	28 Feb - 19 Mar
25.61	34.07	30.99	35.11	35.51	59.63	29.87	26.84	43.89	23.06	48.89	20.13	19.03	45.39
27.36	33.81	30.35	37.68	38.34	60.15	27.18	34.23	39.26	25.82	48.09	29.92	17.99	39.31
27.20	32.65	29.62	31.20	32.86	47.71	24.68	54.76	34.27	25.96	49.09	29.89	17.02	32.04
28.44	32.32	27.13	31.28	30.71	39.02	43.64	53.78	29.78	24.56	51.08	29.04	16.57	29.45
27.36	31.30	25.71	28.95	29.53	34.71	64.82	56.00	27.74	23.39	46.31	31.29	16.62	27.36
26.97	34.73	24.42	28.72	27.10	31.32	48.90	46.24	27.68	23.69	42.74	29.52	15.98	25.30
25.99	57.87	27.11	28.17	25.56	29.50	44.23	39.83	26.20	23.29	37.68	27.64	17.24	24.55
25.02	53.87	28.42	29.11	24.47	30.12	33.36	37.44	25.00	22.12	34.49	24.74	16.69	25.30
	53.51	28.27	25.89	22.57	33.71	33.18	30.31	28.30	21.62	31.33	24.78	16.23	27.57
	46.09	27.02	26.06		28.94	29.35	30.76	25.58	21.00	42.43	29.28	15.60	26.19
12 Mar - 23 Mar	40.48	25.77			39.97	29.14	28.74	24.25	20.50	48.87	37.64	15.55	27.25
	38.50	26.55		13 Apr - 23 Apr	42.79	26.38	29.28	23.62	20.19	41.62	22.72	14.58	29.35
	34.48	28.40	11 Apr - 20 Apr	33.67	37.03	25.90	30.21	23.82	19.93	37.02	29.16	14.32	38.86
26.55				33.67	32.66			29.59	35.12	33.72	32.41	25.60	15.47
26.09	32.20	27.70		40.11	30.45			25.82	31.50	43.71	21.05	27.09	15.65
25.20	31.30	27.21	34.04			25 June - 01 July	29.96	33.40	18.60	26.52	35.20	15.81	39.83
24.33	53.59	26.35	42.23	38.58	31.24		26.09	33.97	17.35	33.21	24.28	16.74	34.40
24.80	48.69	25.46	38.41	32.16	30.07		25.01	30.15	17.20	54.91	21.73	16.19	30.79
27.74	44.68	24.53	35.84	29.29	26.57	41.57	42.26	23.60	18.50	39.91	21.48	16.03	27.69
26.45	36.98	21.03	33.24	26.36	25.01			22.72	27.68	17.40	47.32	15.86	29.87
25.67	36.29	21.82	30.91	24.79	23.91	35.20							
26.82			27.68	24.99		34.09							
25.86			25.99	25.39		26.33							
25.49			24.00	23.87		30.34							
25.57			23.65	24.45		27.33							
524.23	807.81	559.83	622.35	580.24	715.49	705.15	709.53	599.19	423.64	588.27	549.47	325.87	602.38
+184.23	+487.81	+198.83	+282.35	+230.24	+365.49	+345.15	+349.53	+238.19	+43.14	+509.27	+189.47	+34.83	+302.38
49.0"	45.0"	51.0"	54.0"	44.89"	67.35"	57.17"	49.77"	54.83"	53.19"	51.27"	52.70"	45.89"	55.82"
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013

Brockton Wastewater Treatment Plant Operating Capacity Overages
(By Millions of Gallons per 20 Day Timespan)

